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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 11 of General Assembly resolution 59/36 of 2 December 2004. Twenty-five Member States and the International Committee of the Red Cross transmitted to the Secretary-General the information requested by the Assembly in resolution 59/36. A list of States parties to the Additional Protocols of 1977 is contained in the annex.

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I. Introduction

1. On 2 December 2004, the General Assembly adopted resolution 59/36, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". In paragraph 11 of the resolution, the Assembly requested the Secretary-General to submit to it at its sixty-first session a report on the status of the Additional Protocols of 1977 and on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross (ICRC).

2. Pursuant to that request, the Secretary-General, by notes verbales dated 22 April 2005 and 15 February 2006 and letters dated 14 April 2005 and 9 February 2006 invited, respectively, Member States and ICRC to transmit to him by 30 June 2006 the information requested in paragraph 11 of General Assembly resolution 59/36 for inclusion in the report.

3. Replies have been received from Austria, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Georgia, Hungary, Iceland, Japan, Kenya, Latvia, Lebanon, the Libyan Arab Jamahiriya, Lithuania, Luxembourg, Mexico, Qatar, Saudi Arabia, Sweden, the Syrian Arab Republic, Tunisia, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland as well as from ICRC. Extracts of the replies are contained in sections II and III of the present report. The full texts of the replies are available for review in the Codification Division of the Office of Legal Affairs of the Secretariat.

4. The list of all States that are parties to the Protocols[1] Additional to the Geneva Conventions of 1949,[2] as at 20 July 2006, is contained in the annex to the present report.

II. Information received from Member States

Austria

[Original: English]
[30 June and 6 July 2006]

Ratification/implementation of the Explosive Remnants of War Protocol

1. Austria finalized preparations for the parliamentary ratification of the Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol V), 2003, in 2005. However, since the Protocol has only recently become available in all authentic languages, its ratification procedure will commence during the summer of 2006.

[1] United Nations *Treaty Series*, vol. 1125, Nos. 17512 and 17513.
[2] Ibid., vol. 75, Nos. 970-973.

Dissemination/training of European Union forces and third-country forces in international humanitarian law

2. International humanitarian law forms an integral part of the general training of troops, non-commissioned officers and officers of the Austrian army. Furthermore, in the course of preparatory training for international missions, aspects of international humanitarian law specific to the particular region of deployment are regularly included.

Support for the International Criminal Court

3. In order to support ratification and implementation of the Rome Statute of the International Criminal Court in accordance with the European Union (EU) common position and action plan, Austria promotes the International Criminal Court in both bilateral and EU dialogues. It encourages cooperation of States with the Court, particularly in situations where the Court has begun investigations and addresses the issue of bilateral immunity agreements under article 98, paragraph 2, of the Rome Statute. Furthermore, Austria signed an agreement on the enforcement of sentences with the International Criminal Court, which will enter into force on 26 November 2006.

Public dissemination of international humanitarian law among youth

4. The Austrian Youth Red Cross, together with its sister organizations in Germany, Switzerland and Luxembourg, published an electronic version of the ICRC manual "Exploring humanitarian law" in German in 2004 and a hard copy in 2005. The manual is used in schools for the development and organization of teacher training seminars. Furthermore, the Law School of the University of Vienna offers a course on armed conflict and military intervention in addition to the humanitarian law taught within the general curriculum of public international law. The Salzburg Law School offers courses on international criminal law, humanitarian law and human rights law. In addition, an annual two-week summer course, organized in cooperation with the University of Salzburg, gathers academics and practitioners in the field of international criminal law and provides a think tank for contemporary questions of international humanitarian law in general and the International Criminal Court in particular.

5. In May 2006, ICRC and the Austrian Red Cross, under the auspices of the Austrian EU Presidency, organized the European Education Leadership Conference on Exploring Humanitarian Law, aimed at fostering a deeper understanding of the concepts and methodologies of the Exploring Humanitarian Law programme.

Efforts of the Austrian Red Cross Society for extending capacities for the search of missing persons

6. The Austrian National Red Cross Society has improved the accessibility of the search service to migrants from conflict zones living in Austria. In 2004-2005, the Austrian Red Cross carried out a project on solving missing person cases from the Balkan wars, involving migrants/refugees from the region living in Austria who assisted with data collection. It is planned to extend this service to two more Austrian cities by the end of 2006.

Bulgaria

[Original: English]
[20 June 2006]

1. In 2005, the Bulgarian Red Cross carried out a wide range of activities to harness public resources for humanitarian purposes and sought to expand the variety of its methods of popularizing international humanitarian law standards and the fundamental principles of the Red Cross movement.

2. The Bulgarian Red Cross continued to assist the supreme command of the Bulgarian Armed Forces in disseminating international humanitarian law, partly by conducting study sessions during training courses for senior officers and organizing specialized exhibitions highlighting the challenges facing international humanitarian law in the conditions of contemporary armed conflict. A major result of the learning and awareness-raising activities included the approval of humanitarian law study programmes for various categories of service persons, thus better integrating this branch of study in the regulations and training practices of the Armed Forces. The Bulgarian Red Cross also provided the Bulgarian military contingents abroad with material describing measures for the application of humanitarian law regulations and the respective obligations of armed occupation forces, as well as the mandate of ICRC in low-intensity conflicts.

3. With the support of ICRC and with self-sustained undertakings, the Bulgarian Red Cross has organized the production and distribution of a multitude of informational materials, simultaneously striving to solidify its network of staff and volunteering disseminators throughout the country and the activities of its International Humanitarian Law Youth Club. The Bulgarian Red Cross has also organized or conducted a series of courses and seminars on international humanitarian law, human rights law and the Red Cross movement's principles, history and activities for a variety of audiences including military officers, law enforcement officials, parliamentarians, civil servants, Red Cross personnel and volunteers, media representatives and university and secondary school students.

4. The incorporation and integration of international humanitarian law into the curricula for military instruction and in military manuals has been a fundamental aim in the plan of action of the Bulgarian Red Cross in the field of dissemination.

5. The latest developments in dissemination activities have focused on organizing international humanitarian law courses and workshops for university students and volunteers from secondary schools, with the aim of consolidating the dissemination capacity of the National Red Cross Society and meeting the needs of the young audience in acquiring enhanced knowledge of international humanitarian law and the Red Cross principles, as well as promoting observance of such values among these target groups.

6. The Bulgarian Red Cross has also systematically assisted international organizations and the Government of Bulgaria in their efforts to further improve existing international humanitarian law instruments, trying to establish national mechanisms for their application and organizing media campaigns relating to appeals by ICRC and to the numerous worldwide breaches of the norms of humanity.

Canada

[Original: English and French]
[30 June 2006]

The Geneva Conventions and the Additional Protocols

1. Canada signed the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Additional Protocol III), 2005, on 19 June 2006 and expects to embark on the process of ratification later this year. Furthermore, in 2005, Canada acceded to the First (1954) and Second (1999) Protocols to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.

Canadian efforts to protect civilians[1]

2. Canada has a longstanding and vocal commitment to the legal and physical protection of civilians, which has consistently featured as a central component of its foreign policy. Since 2000, efforts have focused on promoting respect for international humanitarian law, establishing and strengthening international norms, supporting specific protection activities in the field and building political will and capacity among States, United Nations entities, regional networks and field-based non-governmental organizations.

3. Beyond its efforts in the Security Council in this area, Canada has provided diplomatic, financial and human resources in support of United Nations, non-governmental, think tank and African regional efforts to help develop policies and tools related to civilian protection. These include specific initiatives to address impunity, prevent sexual exploitation of crisis-affected populations, promote the safety of aid workers and encourage humanitarian access. Canada has also, in various forums, initiated discussions on the appropriate use of force to provide physical security to populations at risk, created guidelines to reduce the humanitarian impact of United Nations sanctions, and supported leading advocacy work in support of internally displaced persons and war-affected children.

4. Since 2004, initiatives supported by Canada have sought to build on earlier efforts, focusing on the development of practical non-coercive and coercive tools for use in the field, increased advocacy and diplomatic initiatives that ensure long-term political engagement, norm development, and operational implementation of the protection-of-civilians agenda over time. The emphasis is placed on creating broader participation and support for the protection-of-civilians agenda among States, international organizations and non-governmental organizations.

Canadian efforts to protect war-affected children

5. The protection of children in situations of armed conflict is a key component of Canada's human security agenda and international assistance programming. Between 2000 and 2005, the Canadian International Development Agency (CIDA) quintupled its investments in child protection through an action plan on child protection, including war-affected children, as one of two areas of strategic focus.

[1] For further information, see: www.humansecurity.gc.ca/civilians_en.asp and www.acdi-cida.gc.ca

CIDA has developed a critical mass of cutting-edge programming, analysis and resources, including child participation pilot projects and Child Protection Research Fund projects, five of which concern war-affected children and in particular the role of girls in fighting forces. A conference to disseminate the results of these studies was held at the University of Ottawa from 12 to 14 June 2006.[4]

Canadian activities related to women affected by armed conflict

6. Canada takes a strong leadership role at the international level on the issue of the inclusion of women in all stages and aspects of peacebuilding, policy formation and implementation and works with other international actors to actively integrate a gender-sensitive approach to peacebuilding and human security efforts and to ensure that women and men have equal opportunities to participate in and benefit from peacebuilding processes. Similarly, Canada has been actively promoting States' obligation to exercise due diligence to prevent, investigate and punish all acts of violence against women and girls, including in situations related to armed conflict. Domestically, Canada has initiated the process to develop a national action plan to implement Security Council resolution 1325 (2000) on women and peace and security.

International humanitarian law and the Canadian Forces

7. The Canadian Forces has several publications[5] that serve as references on training aids for international humanitarian law and provide various forms of training to its personnel in the law of armed conflict. The training includes courses offered as part of basic recruit training, academic courses, self-study programmes mandatory for officers and mission-specific courses provided to every member prior to deployment to an international operation. Furthermore, commanding officers are expected to be conversant with the contents of the international humanitarian law manual *The Law of Armed Conflict at the Operational and Tactical Levels* and to ensure that the law of armed conflict is integrated into all aspects of operations.

8. Legal officers serving in the Office of the Judge Advocate General provide legal advice to all levels of the chain of command involved in the planning and conduct of military operations.

Croatia

[Original: English]
[3 August 2006]

1. Croatia ratified Protocol V (Explosive Remnants of War) to the Convention on Certain Conventional Weapons and the Second (1999) Protocol to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, in February 2005 and May 2006, respectively. In May 2006, it signed Additional Protocol III to the Geneva Conventions and the ratification procedure will start shortly.

2. Croatia organized the Sixth Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, 1997, in Zagreb from 28 November to 2 December

[4] For an overview of the research results, see: www.uottawa.ca/childprotection/.

[5] The publications can be accessed at www.forces.gc.ca/jag/publications/default_e.asp?VIEW_BY=title/.

2005 for the purpose of making a first appraisal of the progress in implementing the Nairobi Action Plan, focusing on four major goals: global acceptance of the all-inclusive anti-personnel mine ban; destruction of existing stocks; mine clearance; and helping victims. The Zagreb Progress Report takes stock of what has been achieved and what remains to be done and constitutes a guideline for the next year.

3. Violations of international humanitarian law are incriminated in the Croatian Penal Code. By amendments to the Penal Code which entered into force in October 2004, Croatian criminal legislation has also been harmonized with international conventions, in particular in the field of international humanitarian law. The new criminal offence "crime against humanity" has been taken from article 7 of the Rome Statute of the International Criminal Court and stipulated in the Penal Code, the existing criminal offence "war crime" has been harmonized with its article 8, and the criminal offence "responsibility of commanders", taken from article 28, has been incorporated in the Penal Code. The intention was to further strengthen the national answer to the principle of complementarity.

Cyprus

[Original: English]
[27 June 2006]

1. Cyprus strives to ensure the widest possible dissemination and implementation of the Additional Protocols of 1977, including through their translation into Greek and publication in the Official Gazette. Furthermore, the Cyprus Red Cross Society has released a number of informative booklets in Greek and English.

2. In order to ensure proper implementation of international humanitarian law, the Cyprus National Guard (Cyprus armed forces) has distributed an educational booklet explaining the provisions of the law of armed conflict to all combat units. In addition, training courses are being held each year in every combat unit in accordance with the guidelines of the annual training programme of the National Guard General Staff. To ensure dissemination of the provisions of the Geneva Conventions of 1949 and the Additional Protocols of 1977 and understanding of the basic rules of behaviour in armed conflicts, a special section to this effect is included in the "soldier's handbook". Finally, National Guard officers who have undergone specialized training in the law of armed conflict have been assigned in every combat formation to monitor the provisions of the Conventions and Additional Protocols and to advise their commanders in combat.

3. As a member State of the European Union, Cyprus applies the EU guidelines on promoting compliance with international humanitarian law and participates in the working group on this topic.

Czech Republic

[Original: English]
[31 May 2006]

1. The Czech Republic signed the Additional Protocol III on 12 April 2006, which will be submitted for approval to the Parliament, together with the Second Protocol (1999) to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.

Implementation of international humanitarian law

2. The key legal and policy documents of the Czech Republic contain several explicit references or safeguards concerning implementation of international humanitarian law. Furthermore, in order to enhance its implementation and promotion, the Ministry of Foreign Affairs established, on an informal basis, the inter-ministerial commission on international humanitarian law, which may be formalized in the future.

Dissemination of international humanitarian law

3. The Czech Republic is currently transforming the overall system of military training in view of the fact there are fully professional armed forces now. International humanitarian law has been included in concrete training programmes that have been issued so far and will be included in future ones. As a result, every military professional gets acquainted with international humanitarian law from the beginning of his or her career, during regular annual training, whenever he or she wants to be promoted and before any deployment. In addition, the Defence University in Vyškov provides appropriate education, including mandatory courses on international humanitarian law, to all prospective commanders.

4. Compliance with international humanitarian law within the military is also promoted by legal advisers who provide necessary legal advice to their commander and participate in the process of developing rules of engagement for particular operations. A special handbook on operational law, in which international humanitarian law plays a central role, will be issued for them in 2007.

5. Outside the military, international humanitarian law constitutes an integral part of the curriculum at all law schools and is taught at the Technical University School of Security Engineering in Ostrava and at the Police Academy in Prague.

Denmark

[Original: English]
[14 July 2005]

1. Denmark's accession to Protocol V regarding explosive remnants of war was concluded on 28 June 2005. Furthermore, the Danish Government has adopted a unilateral moratorium with regard to cluster munitions that are not equipped with self-destruction, self-neutralization or self-deactivation mechanisms that have a failure rate of less than 1 per cent.

2. All members of the Danish Armed Forces are trained in the application of international humanitarian law principles as an integral part of every type of training activity within the Armed Forces and the standards to be met are formalized at all levels. The application of international humanitarian law principles is a particular focal point during the decision-making process and any training that leads to a deployment abroad, such as peacekeeping missions.

3. In relation to punishment for war crimes, the Danish Military Penal Code, paragraph 25, describes the possibility for military personnel to be punished if, during an armed conflict, they act in defiance of international conventions ratified by Denmark or in defiance of international customary law.

4. The Danish Red Cross Committee undertakes different dissemination activities, including the publication last year of a compilation of humanitarian law instruments, which has been widely distributed.

Georgia

[Original: English]
[31 May 2006]

Georgia is a party to the four Geneva Conventions of 1949 and the two Additional Protocols of 1977. Furthermore, Georgia is currently undertaking intra-State procedures with regard to Additional Protocol III.

Hungary

[Original: English]
[11 July 2006]

1. The new Service Regulations, effective since 2006, require soldiers to abide by humanitarian rules of warfare and respect victims of war and non-combatants. The annex to the Regulations gives a detailed description of these obligations, based mainly on provisions of the Geneva Conventions of 1949 and the Additional Protocols of 1977, with special regard to the protection of civilians. Within the central organizations and major units, special legal advisers assist in setting up mechanisms to apply these rules and in explaining them to the military personnel.

2. In 2000, the national advisory committee for the dissemination and implementation of international humanitarian law was created. The committee is a forum to gather constructive ideas on the more efficient dissemination of international humanitarian law and to channel them to the competent authorities. It also organizes workshops and seminars for the public on current issues of international humanitarian law.

3. Dissemination of international humanitarian law has been at the forefront in a number of institutions and is being studied at the University of National Defence, which will soon publish a manual on the topic. In the Hungarian Defence Forces, international humanitarian law is taught as a part of basic and intermediate training. Special attention is given to international humanitarian law studies in the training of those contingents which are to be deployed in peacekeeping and peacebuilding operations. Furthermore, departments of the Ministry of Defence maintain continuous cooperation with the ICRC regional delegation in Budapest.

Iceland

[Original: English]
[11 July 2006]

1. Iceland has no national armed forces and thus no military criminal code. However, in accordance with its international obligations, Iceland strives to ensure that it has the appropriate means to investigate, try and enforce war crimes in its domestic system. Icelandic law does not contain provisions on war crimes, war against humanity or genocide. These crimes are therefore not considered *delictum*

sui generis. However, to some extent these crimes fulfil the elements of relevant provisions of the penal code, e.g., homicide, bodily injury and sexual offences. The penal code has specific provisions criminalizing the use of nuclear substances and noxious gases. Certain war crimes could also be punishable by the application of Act No. 17/2000 relating to the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and Act No. 26/2001 relating to the implementation of the Mine Ban Convention.

2. In 2004, the Icelandic Red Cross and the Ministry of Foreign Affairs published the booklet "Geneva Conventions" containing the Geneva Conventions of 1949 and the two Additional Protocols of 1977, in Icelandic translation.[6]

Japan

[Original: English]
[6 July 2006]

1. In June 2003, Japan established a law regarding the response to armed attacks, ensuring the appropriate implementation of international humanitarian law. In accordance with that law, Japan enacted on 14 June 2004 a law concerning the measures for the protection of the people in the event of armed attacks, a law concerning the treatment of prisoners in the event of armed attacks and a law concerning the punishments for serious violations of international humanitarian law.

2. In addition, in order to promote understanding of the Additional Protocols of 1977, the Ministry of Foreign Affairs sponsored, in cooperation with the Japanese Red Cross Society, a symposium on international humanitarian law in March 2005 and the international law moot court competition "Asia Cup 2005" on international human rights and humanitarian law in August 2005.

Kenya

[Original: English]
[24 April 2006]

1. In 2001, the National Committee on the Implementation of International Humanitarian Law was established with the following terms of reference: (a) to coordinate and monitor implementation of international humanitarian law in Kenya; (b) to advise the Government on international humanitarian law instruments that need to be ratified; (c) to review existing legislation and recommend necessary amendments; (d) to recommend new legislation where applicable; (e) to advise and assist on reporting obligations; (f) to advise on administrative measures required; (g) to coordinate, monitor and evaluate dissemination; and (h) to undertake or commission research on developments in international humanitarian law and make appropriate recommendations to the Government.

2. The National Committee engages in training activities, both for its own members and for other institutions, such as the police and prisons departments, the military, public administrators and universities, and conducts dissemination activities. Furthermore, the National Committee has established two subcommittees

[6] Also available at www.redcross.is/book/.

to specifically deal with the tasks relating to dissemination and implementing legislation.

3. The Implementing Legislation Subcommittee assisted the relevant ministries and departments in the process of ratification and domestication in relation to several instruments relating to international humanitarian law, including the Additional Protocols of 1977. It is also working with the University of Nairobi in the preparation of a training manual that will enable the effective dissemination of international humanitarian law.

Latvia

[Original: English]
[30 June 2006]

1. Latvia has signed Additional Protocol III and the draft law is about to be passed by Saeima (the Parliament of the Republic of Latvia).

2. The Latvian National Armed Forces are undertaking activities which ensure thorough compliance with the Additional Protocols. Training and Doctrine is the core unit within the Armed Forces responsible for the practical implementation of legal provisions. The training programmes of units subordinated to Training and Doctrine offer instruction in the application of the Geneva Conventions and the Additional Protocols, which conveys both theoretical knowledge and practical skills relating to the law of armed conflict and the Additional Protocols. Training programmes on the law of armed conflict also constitute a part of permission training, i.e., training before deployment in international operations. Furthermore, the Armed Forces have published a number of studies regarding humanitarian law.

Lebanon

[Original: Arabic]
[30 May 2006]

Lebanon honours all international conventions relating to this topic. Lebanese legislation includes measures necessary for the protection of victims of armed conflicts and the punishment of those responsible for war crimes. International humanitarian law has been integrated into the training curricula of all military academies at all levels. In addition, annual courses in this area have been inaugurated for officers, and lectures and seminars are held for various military units.

Libyan Arab Jamahiriya

[Original: Arabic]
[10 May 2006]

The Libyan Arab Jamahiriya has formed the National Committee for International Humanitarian Law, chaired by the Secretary of the General People's Committee for Justice (Minister of Justice). The Committee's terms of reference are the following: (a) establishing executive strategies, plans and programmes in respect of the application of international humanitarian law, in conjunction with relevant authorities; (b) studying conventions on international humanitarian law, drafting

legislative proposals necessary to harmonize national legislation with the provisions of such conventions and undertaking scientific research and studies aimed at the development of international humanitarian law; (c) preparing and implementing training plans and programmes to raise awareness of international humanitarian law; (d) proposing agreements to be concluded with counterpart regional and international bodies for cooperation and exchange of experience, visits and information on the application of international humanitarian law; (e) holding national, regional and international seminars and conferences and organizing study groups to consider international humanitarian law and ways of applying the provisions thereof; (f) coordinating between national authorities concerned with the practical dissemination of the provisions of international humanitarian law; (g) monitoring, documenting and proposing ways of dealing with violations of the provisions of international humanitarian law; (h) taking measures to ensure the strengthened application of international humanitarian law and dissemination of its culture; and (i) preparing data and statistics relating to the activity of the Committee and other entities in applying the provisions of international humanitarian law.

Lithuania

[Original: English]
[16 June 2006]

National Commission on the Implementation of International Humanitarian Law

1. The Ministry of National Defence is responsible for the coordination of the implementation of international humanitarian law within Lithuania. In 2001, the Minister of National Defence established the National Commission on the Implementation of International Humanitarian Law, whose principal task is to provide assistance in performing the said functions of the Ministry. The objectives of the Commission are (a) to analyse the situation regarding the implementation of international humanitarian law in Lithuania, including participation in international agreements; (b) to submit proposals on the implementation of international humanitarian law; (c) to disseminate information on international humanitarian law within the militaries and the public; and (d) to initiate or provide assistance in arranging seminars or conferences on issues regarding the implementation of international humanitarian law.

Methods and means of warfare

2. Lithuania is in the last stages of the development of a national mine action strategy which, inter alia, emphasizes respect for international humanitarian law. In addition, rules of engagement are under consideration within the Ministry of National Defence.

Measures to protect the distinctive emblems

3. In 2000, the Law on Lithuania Red Cross Society, Red Cross and Red Crescent Emblems and Title was adopted, which protects both signs and regulates the protective and indicative use of the distinctive emblems.

Protection of cultural objects

4. In 2005, the Commander of the Armed Forces appointed a senior executive officer for cultural property protection within his secretariat.

Legal advisers in the armed forces

5. In 2006, the Minister of National Defence approved the National Concept of Legal Advisers in Armed Forces.

Dissemination

6. International humanitarian law is included in education programmes for all levels of military personnel and in the curricula of training institutions, police, secondary schools, etc. Also, international humanitarian law is an optional course in the law faculties of the leading universities and the Institute of International Relations and Political Science. The National Commission is working on a Lithuanian textbook containing international humanitarian law-related treaties, national laws, case law and the ICRC statutes.

Repression of breaches of international humanitarian law

7. The Lithuanian criminal code, the administrative offences code and the statute on military discipline include provisions which impose, respectively, criminal, administrative or disciplinary liability for breaches of the rules of international humanitarian law.

Luxembourg

[Original: French]
[1 June 2006]

The acts of 12 April 1989 and of 25 April 2003 ratifying, respectively, the Additional Protocols of 1977 and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the texts of these Protocols are published in *Mémorial A*, a compilation of laws containing all the legislative acts and regulations of Luxembourg.[7]

Mexico

[Original: Spanish]
[29 June 2006]

1. Various provisions of the federal penal code, the military justice code and the federal firearms act and its implementing regulations characterize acts constituting violations of international humanitarian law. Mexico is currently in the process of considering and updating its criminal legislation to bring it into line with humanitarian standards, including the Rome Statute of the International Criminal Court.

2. In accordance with article 36 of Additional Protocol I, the Mexican armed forces are conducting a review of the weapons procurement processes that involve

[7] Also accessible at www.legilux.public.lu.

physical evidence and performance tests through institutional structures designed for that purpose.

3. A bill on the use and protection of the name and emblem of the Red Cross is currently before the Chamber of Deputies, which includes provisions that are in line with Additional Protocol III. Furthermore, in order to strengthen provisions protecting cultural property in the event of armed conflict and other natural-disaster situations, the Senate is currently considering amendments and additions to the federal act on archaeological, artistic and historic monuments and sites.

4. The Armed Forces of Mexico include teaching and training in international humanitarian law in their military doctrine and manuals and in ongoing training activities. Similarly, there are also ongoing academic training initiatives at the higher education level aimed at integrating and strengthening this subject.

Qatar

[Original: Arabic]
[3 May 2006]

The State of Qatar propagates the provisions of the Additional Protocols of 1977 by teaching international humanitarian law in military and police circles and at the Centre for Legal and Judicial Studies. The Red Crescent Society and the National Committee for Human Rights are preparing specialized courses for military personnel, officials, journalists and students in this area and a Department of Human Rights has been set up in the Ministry of the Interior.

Saudi Arabia

[Original: English]
[16 May 2006]

The Additional Protocols of 1977 are being integrated in the training and educational curriculum of the Armed Forces of Saudi Arabia, and a special course is being formulated for dissemination among them so that it will become part of such training courses. In addition, other measures are being taken to disseminate international humanitarian law at the national level.

Sweden

[Original: English]
[16 May 2006]

1. In order to continue to address individual topics of international humanitarian law, the Ministry for Foreign Affairs, together with the National Defence College and with the support of the Ministry of Defence, organized an international expert conference on computer network attacks in Stockholm from 17 to 19 November 2004. The purpose of the conference was to examine whether or not international humanitarian law could be applied to the new phenomenon of computer network attacks.[8]

[8] The conference report is available at www.fhs.se/templates/Page_2775.aspx.

2. Sweden has continuously supported the international tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone and the International Criminal Court in their efforts to end impunity for serious violations of international humanitarian law, inter alia, by providing financial assistance and entering into bilateral agreements regarding enforcement of sentences and relocation of witnesses.

3. Sweden has set up three national bodies to promote, implement and develop international humanitarian law. The Swedish Total Defence Council for Humanitarian Law was set up 1991 to monitor developments in humanitarian law and to disseminate and promote international humanitarian law in Sweden, the Delegation for International Humanitarian Law Monitoring of Arms Projects to monitor various types of arms projects from the perspective of international law, and the Delegation on Public International Law to supervise developments in international humanitarian law in order to decide on Swedish initiatives in this area.

Syrian Arab Republic

[Original: Arabic]
[28 June 2006]

1. International humanitarian law is currently taught in the law faculties of Syrian universities, at various other institutes, as well as at military colleges and academies and at training courses for the diplomatic corps. Diplomats, judges and experts from the Ministries of Justice and the Interior also take part in international activities to promote knowledge of international humanitarian law, in conjunction with organizations that are actively involved in such work, in particular ICRC and the Syrian Arab Red Crescent. The Syrian Arab Republic similarly hosts courses supervised by university professors, judges, lawyers and constitutional institutions, in association with ICRC, the Red Crescent, foreign diplomatic missions, the Arab University and research institutions, both Arab and non-Arab.

2. The National Committee for International Humanitarian Law was established in 2004 under the chairmanship of the Minister of State for Red Crescent Affairs and is tasked with ensuring the application and wide-scale dissemination of the rules of international humanitarian law at the national level. Subcommittees have also been established and activities divided among them on the basis of their respective areas of competence: the media and publication committee; the legislation committee; and the education committee.

3. In addition, Law No. 36 of 2005 relating to protection of the Red Crescent and Red Cross emblems and punishment for their misuse was promulgated.

Tunisia

[Original: Arabic]
[9 June 2005]

1. The Ministry of Defence has adopted a series of measures in support of the rules in force with regard to the dissemination of the provisions of international humanitarian law among the armed forces. Legislative and organizational measures enacted in the furtherance of international humanitarian law relate to the establishment of the minimum age for national service at 20; the protection of the

distinctive emblem of the Red Cross or Red Crescent from misuse; the enactment of deterrent penalties against any soldier or other person using force during armed conflict against a wounded or sick soldier incapable of defending himself; and the adoption of amendments to the general rules of discipline including a series of rules concerning wartime practices and treatment of prisoners.

2. Regarding dissemination, the topic of international humanitarian law has been incorporated in the official curriculum of the various military higher education institutions, training centres and military schools and included in the applied programme at the military unit level. Units participating in peacekeeping tasks abroad are also made aware of the main points in the Geneva Conventions and the Additional Protocols of 1977 and a leaflet is distributed to the participants on the principles of conduct during combat.

3. Furthermore, Tunisia participated in various international and regional training courses, seminars and symposiums, and organized, in collaboration with ICRC, awareness and study sessions on the topic for the benefit of officers from the Ministry of National Defence.

United Arab Emirates

[Original: English]
[5 April 2006]

The United Arab Emirates have taken a number of measures towards the implementation of General Assembly resolution 59/36, which include (a) organizing lectures in all units of the armed forces on international humanitarian law and its implementation; (b) including international humanitarian law in the curriculum of the Leadership and Staffing College and the Zayed Military School; (c) inviting specialists in international humanitarian law to participate in exercises carried out by the armed forces; (d) delegating officers from the armed forces to participate in national and international courses, seminars and conferences relating to dissemination and implementation of international humanitarian law; and (e) enhancing awareness of international humanitarian law among the armed forces, and particularly the officers who participate in international peacekeeping operations.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[27 June 2005]

Measures taken to strengthen the existing body of international humanitarian law: international humanitarian law dissemination and education

1. The United Kingdom established a National Committee on International Humanitarian Law in 1999, in line with a recommendation endorsed by the 1995 International Conference of Red Cross and Red Crescent Societies.

2. The United Kingdom offers general international humanitarian law training to governmental policy and legal advisers plus ad hoc events and training as required.

Military training

3. All United Kingdom servicemen and women are instructed in international humanitarian law during their basic training and at all stages of their promotion to higher ranks. International humanitarian law training is an integral part of the preparation for officers' ranks. Relevant training materials have been produced by all three services (Army, Navy and Air Force), who otherwise share a comprehensive set of guidance on "The law of armed conflict".

4. International humanitarian law is also covered as part of pre-deployment training for all service personnel. The Geneva Conventions are covered in legal background briefs received by all deploying troops, and all military personnel receive an aide-mémoire card which clearly states that civilians, prisoners and detainees must be treated with dignity and respect and must not in any way be subject to abuse, torture, inhuman or degrading treatment. Each service also sends lawyers into theatre; it is within their remit to ensure continuity of international humanitarian law training.

Accountability

5. Under the Service Discipline Acts, service personnel are subject to English criminal law wherever they are serving. This means that any conduct which would constitute a criminal offence if committed in England can be prosecuted by court martial. This is in addition to the general extraterritorial scope of the domestic offences under the Geneva Conventions Act 1957, the International Criminal Court Act 2001 and section 134 of the Criminal Justice Act 1988 (implementing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984).

Investigation and prosecution of abuses

6. All substantial allegations or suspicions involving activity of a criminal nature by military personnel are investigated by the service police special investigations branch. An investigation is required in every instance where the action of British service personnel may have led directly to the death or injury of civilians in a theatre of operation. When investigations lead to courts martial, these are public and conducted to the same standards of justice and independence that are present in the civilian judicial system.

III. Information received from international organizations

International Committee of the Red Cross

[Original: French]
[27 June 2006]

Significant developments at the international level

1. The highlight of the past two years was the adoption on 8 December 2005 of Additional Protocol III, which establishes an additional emblem, alongside the red cross and the red crescent, conceived in such a way that no national, cultural, religious, political or ethnic connotation can be attributed to it. This emblem,

referred to by the name "red crystal", enjoys the same international status and the same protection regime as the existing emblems and will help to increase the protection of victims.

Initiatives taken by ICRC to reaffirm and strengthen the existing body of international humanitarian law

2. ICRC has continued activities and consultations under its project launched in 2003 entitled "Reaffirmation and development of international humanitarian law". The project has enabled ICRC to consolidate its legal reading of questions arising out of the fight against terrorism, for instance the legal definition of what is commonly called the "war against terrorism" and the status and rights of persons detained in that context. Furthermore, ICRC has developed a series of procedural principles and guidelines which should govern detention in all circumstances, including detention for security reasons.

3. Another initiative launched by ICRC is the publication of its study on customary international humanitarian law. The study identifies 161 rules of international humanitarian law which, based on a detailed analysis of State practice, its authors believe have customary validity. This publication is intended to foster debate on customary international humanitarian law and its implications in promoting greater respect for this law in armed conflict.

4. ICRC has also continued to participate actively in meetings of the working group to draft a legally binding instrument for the protection of all persons from enforced disappearance. The draft convention on enforced disappearance will be submitted for adoption to the Human Rights Council. In addition, ICRC has taken various initiatives for the promotion and development of principles and instruments of international humanitarian law relating to the regulation and prohibition of certain types of weapons, including in relation to anti-personnel landmines, biological weapons and small arms and light weapons.

5. Follow-up to the commitments made at the Twenty-eighth International Conference of the Red Cross and Red Crescent is also a priority for ICRC. A number of general objectives were defined in the Final Declaration and the Agenda for Humanitarian Action, including some relating to the legal protection of persons in situations of armed conflict and more specifically regulating the status and rights of missing persons and their families, and the availability, use and misuse of weapons.

Dissemination of international humanitarian law

6. ICRC continued its efforts to promote the dissemination of international humanitarian law and its integration in training and education programmes both for armed personnel and in civil education programmes in schools and universities.

Legal and technical assistance

7. Through its Advisory Service, ICRC is working to provide national authorities with technical assistance for the adoption, implementation and amendment of the required legislative, regulatory and administrative measures in order to ensure observance of international humanitarian law at the national level. The Advisory Service gives advice on the ratification and implementation of the Geneva Conventions of 1949, their Additional Protocols of 1977, and various other

international instruments on humanitarian law and provide support for the amendment or adoption of national implementation measures in various areas, which notably include the repression of war crimes, the protection of the distinctive emblem of the red cross and the red crescent, the protection of cultural property, the status and rights of missing persons and their families, and the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, 1997.

8. The Advisory Service also continued to promote the mandate of the International Humanitarian Fact-Finding Commission and to foster cooperation with States parties to Additional Protocol I by facilitating various visits by the Commission and its members to a number of regions.

Support for the National Committees on International Humanitarian Law

9. In order to enhance the effectiveness of the National Committees and support their activities for the implementation of international humanitarian law, the Advisory Service continued to develop an ongoing dialogue with the National Committees and to take part, where appropriate, in their meetings and projects.

National and regional meetings

10. ICRC and its Advisory Service organize or play an active part in events at the national or regional level with a view to familiarizing the authorities of different States with humanitarian law and encouraging consultations and the ongoing exchange of information on the ratification of treaties and their implementation at the national level.

Contacts with other organizations

11. ICRC continued to interact and cooperate with various international and regional organizations and developed its interaction with various international or regional judicial authorities. Furthermore, the ICRC Advisory Service maintained close contacts with various international non-governmental organizations, notably the Coalition for the International Criminal Court and a number of organizations whose activities are aimed at prohibiting or regulating the use of certain weapons.

Documentation and tools

12. The Advisory Service continued to collect, analyse and communicate laws adopted by States and to produce specialized documents. It developed new model laws and worked on the publication of a manual on the implementation of international humanitarian law at the national level. Significant progress was achieved in the development and updating of the database on national measures for implementing international humanitarian law,[9] which includes texts of legislative and regulatory measures adopted by States, as well as jurisprudence of national jurisdictions concerned with international humanitarian law and with its implementation at the national level.

[9] www.icrc.org/ihl-nat.

Annex

List of States parties to the Protocols Additional to the Geneva Conventions of 1949 as at 20 July 2006[a]

State	*Date of ratification, accession or succession*
Albania	16 July 1993
Algeria [b,c]	16 August 1989
Angola (Protocol I only)[b]	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina [b,c]	26 November 1986
Armenia	7 June 1993
Australia [b,c]	21 June 1991
Austria [b,c]	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belarus[c]	23 October 1989
Belgium [b,c]	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia[c]	8 December 1983
Bosnia and Herzegovina[c]	31 December 1992
Botswana	23 May 1979
Brazil[c]	5 May 1992
Brunei Darussalam	14 October 1991
Bulgaria[c]	26 September 1989
Burkina Faso[c]	20 October 1987
Burundi	10 June 1993
Cambodia	14 January 1998
Cameroon	16 March 1984
Canada [b,c]	20 November 1990
Cape Verde[c]	16 March 1995
Central African Republic	17 July 1984
Chad	17 January 1997
Chile[c]	24 April 1991
China[b]	14 September 1983
Colombia (Protocol I)[c]	1 September 1993
(Protocol II)	14 August 1995
Comoros	21 November 1985
Congo	10 November 1983

State	*Date of ratification, accession or succession*
Cook Islands[c]	7 May 2002
Costa Rica[c]	15 December 1983
Côte d'Ivoire	20 September 1989
Croatia[c]	11 May 1992
Cuba (Protocol I)	25 November 1982
(Protocol II)	23 June 1999
Cyprus (Protocol I)[c]	1 June 1979
(Protocol II)	18 March 1996
Czech Republic[c]	5 February 1993
Democratic People's Republic of Korea (Protocol I only)	9 March 1988
Democratic Republic of the Congo	
(Protocol I)[c]	3 June 1982
(Protocol II)	12 December 2002
Denmark[b,c]	17 June 1982
Djibouti	8 April 1991
Dominica	25 April 1996
Dominican Republic	26 May 1994
Ecuador	10 April 1979
Egypt[b]	9 October 1992
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Estonia	18 January 1993
Ethiopia	8 April 1994
Finland[b,c]	7 August 1980
France (Protocol I)[b]	11 April 2001
(Protocol II)[b]	24 February 1984
Gabon	8 April 1980
Gambia	12 January 1989
Georgia	14 September 1993
Germany[b,c]	14 February 1991
Ghana	28 February 1978
Greece (Protocol I)[c]	31 March 1989
(Protocol II)	15 February 1993
Grenada	23 September 1998
Guatemala	19 October 1987
Guinea[c]	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Holy See[b]	21 November 1985

State	*Date of ratification, accession or succession*
Honduras	16 February 1995
Hungary[c]	12 April 1989
Iceland [b,c]	10 April 1987
Ireland [b,c]	19 May 1999
Italy [b,c]	27 February 1986
Jamaica	29 July 1986
Japan[c]	31 August 2004
Jordan	1 May 1979
Kazakhstan	5 May 1992
Kenya	23 February 1999
Kuwait	17 January 1985
Kyrgyzstan	18 September 1992
Lao People's Democratic Republic[c]	18 November 1980
Latvia	24 December 1991
Lebanon	23 July 1997
Lesotho	20 May 1994
Liberia	30 June 1988
Libyan Arab Jamahiriya	7 June 1978
Liechtenstein [b,c]	10 August 1989
Lithuania[c]	13 July 2000
Luxembourg[c]	29 August 1989
Madagascar[c]	8 May 1992
Malawi	7 October 1991
Maldives	3 September 1991
Mali[c]	8 February 1989
Malta [b,c]	17 April 1989
Mauritania	14 March 1980
Mauritius	22 March 1982
Mexico (Protocol I only)	10 March 1983
Micronesia (Federated States of)	19 September 1995
Monaco	7 January 2000
Mongolia [b,c]	6 December 1995
Mozambique (Protocol I)	14 March 1983
(Protocol II)	12 November 2002
Namibia[c]	17 June 1994
Nauru	27 June 2006
Netherlands [b,c]	26 June 1987
New Zealand [b,c]	8 February 1988
Nicaragua	19 July 1999
Niger	8 June 1979

State	*Date of ratification, accession or succession*
Nigeria	10 October 1988
Norway[c]	14 December 1981
Oman[b]	29 March 1984
Palau	25 June 1996
Panama[c]	18 September 1995
Paraguay[c]	30 November 1990
Peru	14 July 1989
Philippines (Protocol II only)	11 December 1986
Poland[c]	23 October 1991
Portugal[c]	27 May 1992
Qatar (Protocol I)[b,c]	5 April 1988
(Protocol II)	5 January 2005
Republic of Korea[b,c]	15 January 1982
Republic of Moldova	24 May 1993
Romania[c]	21 June 1990
Russian Federation[b,c]	29 September 1989
Rwanda[c]	19 November 1984
Saint Kitts and Nevis	14 February 1986
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines	8 April 1983
Samoa	23 August 1984
San Marino	5 April 1994
Sao Tome and Principe	5 July 1996
Saudi Arabia (Protocol I)[b]	21 August 1987
(Protocol II)	28 November 2001
Senegal	7 May 1985
Serbia[c]	16 October 2001
Seychelles[c]	8 November 1984
Sierra Leone	21 October 1986
Slovakia[c]	2 April 1993
Slovenia[c]	26 March 1992
Solomon Islands	19 September 1988
South Africa	21 November 1995
Spain[b,c]	21 April 1989
Sudan (Protocol I)	7 March 2006
(Protocol II)	13 July 2006
Suriname	16 December 1985
Swaziland	2 November 1995
Sweden[b,c]	31 August 1979
Switzerland[b,c]	17 February 1982

State	*Date of ratification, accession or succession*
Syrian Arab Republic (Protocol I only)[b]	14 November 1983
Tajikistan[c]	13 January 1993
The former Yugoslav Republic of Macedonia[b,c]	1 September 1993
Timor-Leste	12 April 2005
Togo[c]	21 June 1984
Tonga[c]	20 January 2003
Trinidad and Tobago[c]	20 July 2001
Tunisia	9 August 1979
Turkmenistan	10 April 1992
Uganda	13 March 1991
Ukraine[c]	25 January 1990
United Arab Emirates[b,c]	9 March 1983
United Kingdom[b,c]	28 January 1998
United Republic of Tanzania	15 February 1983
Uruguay[c]	13 December 1985
Uzbekistan	8 October 1993
Vanuatu	28 February 1985
Venezuela	23 July 1998
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990
Zambia	4 May 1995
Zimbabwe	19 October 1992

[a] Information was taken from the website of the Swiss Federal Department of Foreign Affairs, Depositary of the Geneva Conventions and Additional Protocols: www.ddip.admin.ch/eda/f/home/foreign/intagr/train.html.

[b] Ratification, accession or succession accompanied by a reservation and/or a declaration.

[c] Party which has made the declaration provided for under article 90 of Protocol I.